

REMARKS

This reply is in response to a Notice Regarding Drawings sent June 21, 2004. The deadline for response is August 21, 2004. This response is being mailed on August 17, 2004. Thus this response is timely filed.

Drawings

New drawings were required by the PTO in a Notice Regarding Drawings mailed on June 21, 2004. Submitted herewith are the drawings that comply with 37 C.F.R. 1.84. No new matter has been added. Entry is respectfully requested.

Entry of the drawings after payment of issue fee is proper because:

- 1) The only changes are minor and do not affect claim scope. The changes to the drawings were made in the labels of the drawings. The views were changed so that they were labeled separately, i.e. Fig. 1 was changed to Fig 1a and Fig 1b, and so forth for Figs 1-9. The numbers of the drawings were increased in size and scale. No new matter was added to the drawings.
- 2) They require no consideration or search by the Examiner
- 3) The drawing informalities were first identified by the PTO on June 21, 2004, six months after the Examiner allowed the case and approved the drawings, and 3 months after payment of the issue fee. Accordingly applicant has no previous opportunity to amend the drawings.
- 4) The requirement of new drawings appears to be an amendment required by the Office of Patent Publication. According to MPEP 714.16(d)(III), PUBS has been delegated the authority to waive the requirement of 37 CFR 1.312 and accept an amendment after payment of the issue fee.

Substitute Specification

Submitted herewith is a substitute specification under 37 C.F.R. 1.125.

The issue fee was paid on January 8, 2004. Enclosed with the substitute specification is a transmittal of a substitute specification letter, a marked up copy of the specification, and a statement that the substitute specification contains no new matter.

- 1) Petition, fee, and good and sufficient reason:
 - (a) Because the issue fee has been paid, the applicant hereby petitions for entry of the attached amendments. (37 C.F.R. § 1.312(h)).
 - (b) Below is a showing under 37 C.F.R. § 1.312(b), for entering the substitute specification after the date the issue fee is paid, of good and sufficient reasons why the amendments are necessary and were not earlier presented.
 1. The substitute specification only changes parts that refer to the figures, and only changes were made that are in response to a Notice Regarding Drawings sent on June 21, 2004.
 2. The substitute specification only has minor editorial changes such as: "see figure 1, left" was changed to ---see FIG 1a---, and so forth.
 3. This amendment was required by the draftsman after a notice of allowance and payment of the issue fee, thus it was not possible for applicant to present earlier.
 4. No claims are affected.
 5. No new matter has been entered, and the amendment does not require further consideration and/or search
 6. The specification amendment was required by the Notice Regarding Drawings, which drawing informalities were first identified by the PTO on June 21, 2004, six months after the Examiner allowed the case and approved the drawings, and 3 months after payment of the

issue fee. Accordingly applicant has no previous opportunity to amend the specification.

- 4) The substitute specification appears to be an amendment required by the Office of Patent Publication. According to MPEP 714.16(d)(III), PUBS has been delegated the authority to wave the requirement of 37 CFR 1.312 and accept an amendment after payment of the issue fee.

Conclusion

All fees believed due have been submitted. If Applicant is wrong in this assumption, the PTO is authorized to charge any deficiency to Applicant's account number 120690.

Respectfully Submitted,



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